

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA DWANE BACON,

Plaintiff

v.

LUZERNE COUNTY, *et al.*,

Defendants

: Civil No. 3:23-cv-1699

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ORDER

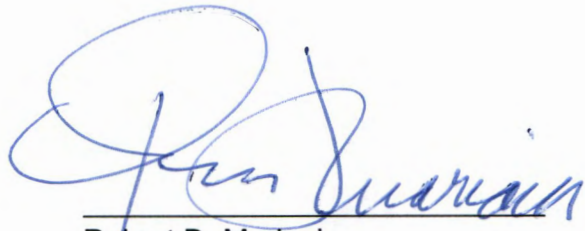
AND NOW, this 11th day of July, 2024, upon consideration of Plaintiff's motion

(Doc. 41) to appoint counsel, and upon review of the factors the Court should consider when determining whether to appoint counsel for a *pro se* plaintiff¹, and it appearing from the manner in which Plaintiff has litigated this action thus far that he is capable of properly and forcefully prosecuting his claims, and it being well-established that indigent civil litigants possess neither a constitutional nor a statutory right to appointed counsel in a civil case, see *Montgomery v. Pinchak*, 294 F.3d 492, 498 (3d Cir. 2002); *Parham v. Johnson*, 126 F.3d 454, 456-57 (3d Cir. 1997); *Tabron v. Grace*, 6 F.3d 147, 153-54 (3d Cir. 1993), and that district courts have broad discretion to determine whether to appoint counsel under 28

¹ Pursuant to *Tabron*, 6 F.3d at 155, the Court should consider the litigant's ability to proceed *pro se* in light of a number of non-exhaustive factors, including: (1) the plaintiff's ability to present his or her case; (2) the complexity of the particular legal issues; (3) the degree to which factual investigation is required and the ability of the plaintiff to pursue such investigation; (4) the amount a case is likely to turn on credibility determinations; (5) whether the case will require testimony from expert witnesses; and (6) the plaintiff's ability to retain and afford counsel on his or her own behalf. *Montgomery*, 294 F.3d at 498-99; *Parham*, 126 F.3d at 457-58; *Tabron*, 6 F.3d at 155-57.

U.S.C. § 1915, and the Court finding that appointment of counsel is not warranted at this time, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motion (Doc. 41) to appoint counsel is **DENIED**. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of Plaintiff.
2. Plaintiff's request to stay this matter pending appointment of counsel is **DENIED**.

A handwritten signature in blue ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge